

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PHYLLIS BACA-FLORES,

Plaintiff,

v.

CASE NO. 03-72131
HON. LAWRENCE P. ZATKOFF

PVS CHEMICALS, INC.,
a Michigan corporation, and
HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY,
a Connecticut Corporation,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION TO ESTABLISH SCHEDULING ORDER
AND BRIEFING SCHEDULE**

On May 17, 2004, the Court issued an Opinion and Order reversing the ERISA Plan Administrator's decision to deny long term disability ("LTD") benefits and remanding Plaintiff's claim for further consideration. The Court found that Defendant's decision to close the administrative record was premature, and that remanding the claim was necessary so that the administrative record could be completed. Upon remand, Defendant Plan Administrator reconsidered Plaintiff's claim pursuant to the Court's Opinion and added additional doctors' evaluations to the administrative record. Despite the additions to the administrative record, on February 25, 2005, Defendant once again denied Plaintiff's claim for LTD benefits. On May 9, 2005, Defendant filed notice of its compliance with the Court's Opinion.

On July 8, 2005, Plaintiff filed the present Motion to Establish Scheduling Order and Briefing Schedule. Plaintiff now seeks to challenge the denial of her LTD benefits. Defendant has

responded and asserts that additional briefing and discovery is not necessary.

The Court finds that Plaintiff Motion is proper and that it should be granted. The Court's May 17, 2005 Opinion concluded that the administrative record was not complete. Now that Defendant has completed the record pursuant to the Court's order, the Court must review the Defendant's most recent denial of Plaintiff's claim to determine whether such a denial was arbitrary and capricious.

For these reasons, the Court HEREBY GRANTS Plaintiff's Motion to Establish a Briefing Schedule. The Court finds that there is no further need for discovery, and that briefing should be limited to the issue of Defendant's most recent denial of Plaintiff's claim. The parties shall have until September 26, 2005 to file dispositive motions.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: August 12, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on August 12, 2005.

s/Marie E. Verlinde

Case Manager
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